

III. REMARKS

Claims 1-26 are pending in this application. By this amendment claims 5, 10, 17, 21 and 23 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 23-26 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Claims 1-3, 7-7, 9 and 13-15 are rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Deike *et al.* (U.S. Patent No. 6,240,430), hereafter “Deike.” Claims 4-5, 10-12, 17-21 and 23-24 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Deike in view of Habib *et al.* (U.S. Patent No. 5,694,610), hereafter “Habib.” Claims 8 and 16 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Deike in view of Fleming *et al.* (U.S. Patent No. 5,694,610), hereafter “Fleming.”

A. REJECTION OF CLAIMS 23-26 UNDER 35 U.S.C. §101

The Office has rejected claims 23-26 for allegedly being directed to non-statutory subject matter. Specifically, the Office asserts that the system of claims 23-26 is directed to software only. Applicants have amended claim 23 to include a computer. To this extent, Applicants respectfully submit that the claimed invention satisfies the Office’s definition of statutory subject matter. Accordingly, Applicants request that the rejection be withdrawn.

B. REJECTION OF CLAIMS 1-3, 6-7, 9 and 13-15 UNDER 35 U.S.C. §102(a)

With regard to the 35 U.S.C. §102(a) rejection over Deike, Applicants assert that Deike does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 9, 17, 21 and 23, Applicants submit that the Office does not prove that Deike teaches selecting a second set of data within the application, wherein the first set of data remains selected during the selection of the second set of data, wherein the method is adapted to allow selecting of the second set of data anywhere within the application irrespective of a location of the first set of data. Interpreting Deike solely for the purpose of this paper, the passages of Deike cited by the Office appear to refer exclusively to non-contiguous text selection. Assuming this is to be the case, other types of text selection appear to be excluded in Deike. These types of excluded text selection could include, for example, overlapping selections and selections in which one selection is entirely subsumed by another selection.

In contrast, the claimed invention includes “...selecting a second set of data within the application, wherein the first set of data remains selected during the selection of the second set of data, wherein the method is adapted to allow selecting of the second set of data anywhere within the application irrespective of a location of the first set of data.” Claim 1. As such, unlike the non-contiguous text selection of Deike, in the claimed invention, the second set of data of the claimed invention may be anywhere within the application irrespective of a location of the first set of data. Thus, the Office does not prove that the selecting of the second set of data is not taught by Deike. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

C. REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejection over Deike in view of various other references, Applicants assert that the combined references cited by the Office fail to teach or suggest each and every feature of the claimed invention. With respect to independent claims 17, 21 and 23, and with respect to dependent claims 4 and 10, Applicants submit that the cited reference fail to teach or suggest selecting, in a distinctive manner, a portion of one of the selected sets of data in the application, wherein the one of the selected sets of data remains selected during the selection of the portion. The Office admits that Deike does not specifically teach this feature. Instead, the Office relies on a passage of Habib. However, the passage in Habib cited by the Office describes selection of text already selected within a dialog box. To this extent, the selection of the text of Habib is not “within the application” but rather is within a dialog box external to the application. Accordingly, Applicants request that the rejection be withdrawn.

With respect to the claims 8 and 16, Applicants respectfully submit that there would be no expectation of success in modifying Deike with Fleming. This is because is it unclear how the selection of non-contiguous text portions of Deike could be modified to deselect text

portions. As such, the modification of Deike with Fleming would produce unpredictable results.

Accordingly, Applicants respectfully request that the rejection be withdrawn.

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. These features have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



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